IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.16535 of 2006
Date of Decision:19.12.2006

Dharamvir

.....Petitioner

Vs.

Excise and Taxation Commissioner, Haryana, Chandigarh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Harkesh Manuja, Advocate for the petitioner.

Ms. Ritu Bahri, DAG, Haryana for respondents No.1 and 2.

Mr. Mohan Jain, Advocate for respondent No.3.

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ORDER

This writ petition has been filed against order dated 11.9.2006 Annexure P.6 permitting respondent No.3 to shift L-14A Vend from New Shakti Nagar, Kaithal to Chandana Gate, Kaithal.

Case set out in the writ petition is that the petitioner was allotted L.14A Vend at the location "Partap Gate Chowk to Gandhi Medicose on Chandana Gate Road" for the period (1.8.2006 to 31.3.2007). Respondent No.3 was also allotted a similar vend for the location "Vishvkarma Furniture Shop to Ramlila Ground on Chandana Road". Subsequently, respondent No.3 changed the location and opened a vend at location of Chandana Gate, Kaithal to Partap Gate Road, Kaithal which location was allotted to the petitioner. The location has been described in the site plan Annexure P.4.

In the reply filed, the stand taken was that respondent No.3 has not been allowed the change of location at the site where respondent No.3 opened the Vend and order Annexure R.1 was annexed in support of this statement.

Learned counsel for respondent No.3 made a statement, as noticed in order dated 11.12.2006, that he adopted the stand taken in the written statement filed by the State.

On the last date of hearing , i.e., on 15.12.2006, taking into account, the stand taken by the respondents, following order was passed:-

> "It is clear from site plan (Annexure P-4) that respondent No.3 has opened his shop on the road leading from Chandana Gate, Kaithal to Partap Gate Road, Kaithal, which is contrary to the permission granted, vide Annexure R-1.
>
> Learned counsel for the State seeks time to get instructions about the remedial steps taken after this has been pointed out.
>
> List again on 19.12.2006."

In compliance of the above order, learned counsel for the State has produced on record copy of letter dated 15.12.2006 written to respondent No.3 and a copy of letter dated 18.12.2006 addressed to Advocate General, Haryana stating that the Vend has been closed.

At this stage, Shri Mohan Jain, Advocate seeks to appear for respondent No.3 and argue the matter.

Counsel for respondent No.3 had made a statement on 11.12.2006 adopting the stand taken by the State and the matter had been argued on 15.12.2006 when we passed the order after hearing counsel for the parties. We cannot allow further arguments merely on account of change of counsel.

As the grievance of the petitioner has been redressed by the State, the writ petition is disposed of as infructuous.

(ADARSH KUMAR GOEL)
JUDGE

December 19, 2006 **(RAJESH BINDAL)**
renu **JUDGE**